

COMPLAINT UNDER 28 USC §1983, CIVIL RIGHTS ACT-TDCJ-ID (Rev. 7/97)

AUG 07 2008

DAVID J. MALAND, CLERK

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BY IN THE UNITED STATES DISTRICT COURT BY
DEPUTY FOR THE Eastern DISTRICT OF TEXAS DEPUTY
Prose DIVISION

Albert E Brown R 146776
Plaintiff's name and ID Number

Collins County Detention Facility
Place of Confinement

CASE NO. 4:08 W 291
(Clerk will assign the number)

v.

Schneider/ Bush

Case Bolt David E
Defendant's name and address

REE Keith
Defendant's name and address

Mussner Marleen
Defendant's name and address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

COMPLAINT UNDER 42 USC §1983, CIVIL RIGHTS ACT-TDCJ-ID (Rev. 7/97)

IN THE UNITED STATES DISTRICT COURT
FOR THE 4 DISTRICT OF TEXAS
Sherman DIVISION

Albert E Brown 146726
Plaintiff's name and ID Number

Collins County
Place of Confinement

CASE NO. _____
(Clerk will assign the number)

v.

Collins County Police Officers
Defendant's name and address

2200 Taylor-Buck Dr
Defendant's name and address

McKinney, Tx 75071
Defendant's name and address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of ~~\$150.00~~ ^{350.00}.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$150 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? YES ☐ NO ☒
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: _____
 2. Parties to previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____
 3. Court: (If federal, name the district; if state, name the county.) _____
 4. Docket Number: _____
 5. Name of judge to whom case was assigned: _____
 6. Disposition: (Was the case dismissed, appealed, still pending?) _____

7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: Collin County Detention Facility

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Albert Carl Brown JR

Collin County Detention Facility 4300 Community
Avenue McKinney Texas 75071

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Messner MAUREEN

She failed to render Aid And She did not write A police
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

report She Also Sexily Assaulted Another young girl

Defendant #2: L E E K E I T H 2200 Taylor-

100 BURK DR McKinney Texas 75071

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Harassment Assault Bail Policing

Defendant #3: Casebolt, David E 2200 Taylor-

BURK DR McKinney Texas 75071

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Racial Profiling Harassment Failure to Render Aid Sexual Assault

Defendant #4: Unknown Lat @ 2200 Taylor-

BURK DR McKinney Texas 75071

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Failure to Render Aid

Defendant #5: There was Another officer but it fails

to show him on the tape

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: Collin County Detention Facility

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Albert Earl Brown JR

Collin County Detention Facility 4300
Community Avenue McKinney Texas 75071

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: CHRIS BROCK 2200 Taylor
Back Dr McKinney Texas 7071

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He failed a fake + falsified police report

Defendant #2: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #3: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

I am sorry but the tape is A hour $\frac{1}{2}$ long

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

✓ I Was Approached on the 21 of April of 07 I was sitting in my car. Officers say I was getting out my car when actually I was letting some one out the car. But I was Approached by A officer David Casebolt At night time on A two way street. He said he was going to write me a ticket for being parked on the wrong side of the street. But he say he seen two seeds and an open container. He then asked to search the car nothing was found. He Then made some comments About me the white girls that were with me and my clothes. He ripped in my privet Area And He Also pulled my pants down below my Ankles.

RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I Want \$ 00000 per persone

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

Albert Earl Brown JR

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

1290681 146726

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed?

YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

Paragraph 2

Officer LEE Keith

He assisted by grabbing my head after
the hand cuffs are placed on my
wrist restrained behind my back. He
then slams my face into the hood of
a car repeatedly with force. And intent to
cause bodily harm and assist officer Reese
bold by holding me while the officer
pulls my clothes down. He also like
the other officers did not write this
in the police report.

Paragraph 4

Messner Maureen

She did not write a police report. She also sexually assaulted a young girl by directly touching of the crotch area. She did not tell the officer to stop and by not writing a police report she is trying to conceal there legal actions as well as her own.

Paragraph 4

If There was another officer there he
also helped but failed ~~to~~ to render Aid.
He also Aided the police in forcing them
spread my legs while he Pkshed the
light in my Anus.

Paragraph 5

Chris Frohman

This person had me charged with a
fake charge to cover up for the police assaulting
me

4. Have the sanctions been lifted or otherwise satisfied? YES ✓ NO
- C. Has any court ever warned or notified you that sanctions could be imposed? YES ✓ NO
- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____
2. Case Number: _____
3. Approximate date warnings were imposed: _____

Executed on: 8/8/08
DATE

Albert Brown JR
(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

- I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
- I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
- I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
- I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
- I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$150 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 8 1 day of August, 20 08.
(Day) (month) (year)

Albert E Brown JR
(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

Plaintiff

Albert Earl Brown JR

Defendants

Casebolt David E
McSSNER MAUREEN
LEE KEITH
GROZNEK, CHRIS
LT Unknown

Defendants

LAKEBOLT DAVID E
2200 TAYLOR BURK DR
McKinney TEXAS 75071

MESSNER MAUREEN
2200 TAYLOR BURK DR
McKINNEY TEXAS 75071

LEE KEITH
2200 TAYLOR BURK DR
McKINNEY TEXAS 75071

GRULNICK CHRIS
2200 TAYLOR BURK DR
McKINNEY TEXAS 75071

24 Unknown
2200 TAYLOR BURK DR
McKINNEY TEXAS 75071

DEFENDANT
LASEBOLT DAVID E

Unreasonable Searches and Seizures
Excessive Force

Racial Profiling Racial Annular
Relaying fake + false information
in a Affidavit fails to render Aid

RELAYING FAKE INFO
What happens when a persone is going to
write you a ticket But says they see perofnly
that they dont turn in? No Brack liner but
somehow there hands end up on your privates.
EXCESSIVE FORCE

A police search you two are 3 times there is
no mention about weapons but all a sudden you
are trying to pull A wepone from between
your legs? So then hand cuffs Are being
placed on you but you are still being bit

RACIAL PROFILING
+ VIOLATION OF The 4148 Amendments
RACIAL ANNULARS

My shoes my attire this is what he really
looks like. She is a crack head What Are you
doing with him He is A dope dealer No good. But
you find drugs on one persone let them go then
~~exchange the~~ you arrest the black persone for
simple tickets?

DEEDANT

CASEBOLT DAVIDE

Fatissus information How can you see A
seeds in a car at night time tinted windows
fake and fatissus into then never turn any seeds
into Evidence?

fairer to under Aid.
While my head was being slammed into a car he
never once asked why are told the officer to stop.
He also did not write it in his police report

He never wrote that he pulled my pants down
below my Anbels in a public place either.

DEFENDANT

MESSNER MAUREEN

Failure to Render Aid
Sexual Assault on a minor
Aiding and Abetting

Failure To RENDER AID

She was standing on the Right of me she
never said a word to stop my head from being
slammed into the lot car.

SEXUAL ASSAULT "on a minor"

She unzipped A 17 year old girl PANTS. And
not on did she rub in the area of her vagina
she continually and repeatedly rubbed.

AIDING AND ABETTING

She did not write A police report cause she did
not want to incriminate the other officers or
herself. So she never said anything if they
did not tell on her for what she did to the girls
She was not going to tell they had my pants
down around my Ankels while they probed my
Anus

DEFENDANT

Lee Keith

Assault By contact

Excessive force

Abiding and Malicious

Police Arbitrary Excessive
police force And brutality

When the hand cuts where placed on me
and I was told I was under arrest And I
ask what for "No Respons from officers. He is the
on that grabed A hand full of my hair And
repeatedly stemed my head into the ^{hot} car, meed
I not forget."

While I was how do you say it being
probed he helped by steming my head into the
car

Then he laughed About it!

DEFENDANT

GRULLNER CHRIS

Having Written false And false allegations
to And And Abate elyct Police Miss conduct-

⁵ He says I need to be charged for Attempted
to take a officer weapon by force, But it dose
not show are you do not hear eney struggle for
a weapon. And the police did not write it into
the police reports. He only says this so the police
wont get into trouble for jumping on me. So
he is Also Aiding And Abating

DEFENDANT

2T UNKNOWN

Fails to render Aid And Mating
Legal Police Mis Conduct by not
writing a police report

The Tent was there when they had
my pants down around my Ankels he did
nothing he did not write A police report.
why cause he knew his officers would get
into trouble so they are trying to sweep it
under the rug.

AFFIDAVIT IN ANY FACT

THE STATE OF TEXAS

COUNTY OF COLLIN

Before me, the undersigned authority, on this day personally appeared _____, who after being duly sworn stated: _____

*I Albert Brown state that everything
I have written in my 1983 lawsuit is true
And Accurate because everything is on video
tape I do not trust my Attorney*

WITNESS: _____

ADDRESS: _____

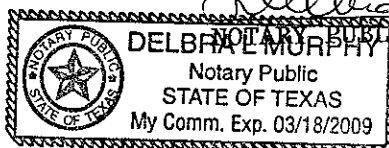
CITY : _____

PHONE# : _____

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 1 DAY OF August, 2008

Delbra L. Murphy
NOTARY PUBLIC, COLLIN COUNTY, TEXAS



Law Office of
JAMES P. WHALEN, P.C.
ATTORNEY AND COUNSELOR AT LAW
2901 N. DALLAS PARKWAY
SUITE 105
PLANO, TEXAS 75093

JAMES P. WHALEN
BOARD CERTIFIED IN CRIMINAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

214/368-2560
FAX 214/291-5764
jwhalen@whalenlawoffice.com

May 21, 2008

Albert Earl Brown, Jr.
Legal Mail
Collin County Jail
4300 Community Blvd.
McKinney, Texas 75071

Re: State of Texas v. Albert Earl Brown, Jr.
Case No. 219-81373-07 and 219-81374-07

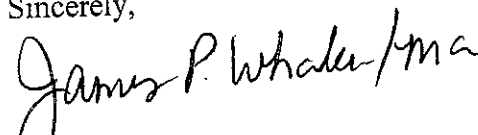
Dear Albert:

I am in receipt of your letters regarding the above-referenced cases.

I have received the video and plan to visit you and review the video with you after Memorial Day so that we can prepare your case for a Motion to Suppress and/or trial. I am scheduled to be out of town from Wednesday, May 21, 2008 through Monday, May 26, 2008 and will come visit you upon my return.

If you have any additional questions, please advise.

Sincerely,


James P. Whalen

JPW:mea

*I'm sending this to ~~verify~~ verify he has the
Tape I do not trust my Court Appointed
Attorney No Telling what he might do to the
tape*